

MAR 15 2006

**WOOD, HERRON & EVANS, L.L.P.**

BRUCE TITTEL  
DAVID S. STALLARD  
J. ROBERT CHAMBERS  
GREGORY J. LUNN  
KURT L. GROSSMAN  
CLEMENT H. LUKEN, JR.  
THOMAS J. BURGER  
GREGORY F. AHRENS  
WAYNE L. JACOBS  
KURT A. SUMME  
KEVIN G. ROONEY  
KEITH R. HAUPT  
THEODORE R. REMAKLUS  
THOMAS W. HUMPHREY  
SCOTT A. STINEBRUNER  
DAVID H. BRINKMAN  
BEVERLY A. LYMAN, PH.D.  
KRISTIL L. DAVIDSON  
KATHRYN E. SMITH  
P. ANDREW BLATT, Ph.D.  
DAVID E. JEFFERIES

2700 CAREW TOWER  
441 VINE STREET  
CINCINNATI, OHIO 45202-2917  
TELEPHONE: 513-241-2324  
FACSIMILE: 513-241-6234  
WEBSITE: www.whopatent.com

PATENT, TRADEMARK, COPYRIGHT  
AND UNFAIR COMPETITION LAW  
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968  
TRUMAN A. HERRON 1935-1976  
EDWARD B. EVANS 1936-1971

JOSEPH R. JORDAN  
C. RICHARD EBY  
WILLIAM R. ALLEN, Ph.D.  
JOHN PAUL DAVIS  
DOUGLAS A. SCHOLER  
BRETT A. SCHATZ  
DAVID W. DORTON  
SARAH OTTE GRABER  
STEVEN W. BENINTENDI, Ph.D.  
RANDALL S. JACKSON, JR.  
CARL J. BRAUCH  
OF COUNSEL  
JOHN D. POFFENBERGER  
DAVID J. JOSEPHIC  
DONALD F. FREI  
THOMAS W. FLYNN  
J. DWIGHT POFFENBERGER, JR.  
BRADLEY D. BECK

March 15, 2006

**FACSIMILE COVER SHEET**

To: Examiner Kenneth Tang  
Art Unit 2195  
Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22213-1450

Fax: 571-273-8300

Enclosures:

Fax Cover Sheet containing Certificate of  
Facsimile Transmission (1 page)  
Notice of Appeal containing Certificate of  
Facsimile Transmission (1 page)

From: Douglas A. Scholer  
Reg. No. 52,197

Re: U.S. Patent Application  
Application No. 09/939,235  
Filed: August 24, 2001  
Applicant: William Joseph Armstrong et  
al.  
Art Unit: 2195  
Confirmation No.: 3405  
Our Ref: IBM/209

Pages: 2 (including cover sheet)

**MESSAGE/COMMENTS  
OFFICIAL****CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence and the enclosures noted herein (2 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Kenneth Tang, Art Unit 2195, Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450 at 571-273-8300 on March 15, 2006.

*Judith L. Volk*  
Judith L. Volk

*March 15, 2006*  
Date

The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail. Thank you. If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant. **OUR FAX NUMBER IS (513) 241-6234.**

MAR 15 2006

PATENT

Attorney Docket No. ROC920010252US1 (IBM/209)  
Confirmation No. 3405

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: William Joseph Armstrong et al.

Application No.: 09/939,235

Filed: August 24, 2001

For: YIELD ON MULTITHREADED PROCESSORS

Art Unit: 2195

Examiner: Kenneth Tang

Atty. Docket No.: ROC920010252US1

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450NOTICE OF APPEAL FROM  
THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

Applicants hereby appeal to the Board of Appeals from the decision of the Primary Examiner mailed December 15, 2005 finally rejecting claims 1-27 and 31-32.

The item(s) checked below are appropriate:

1. ☐ Applicants hereby petition for a      month extension of time to reply to the final rejection.  
A check in the amount of \$      is attached.

2. ☒ Appeal Fee: XXX Other than a small entity Fee: \$500.00  
     Small Entity Status previously Fee: \$      
     Requested and is still proper  
     Small Entity Status Requested Fee: \$

3. ☒ Payment

     Check attached for the sum of \$     .

XXX

Please charge the sum of \$500.00 and any deficiency or credit  
any overpayment to Deposit Account No. 23-3000.

03/16/2006 HTECKLU1 00000042 233000 09939235

01 FC:1401 500.00 DA

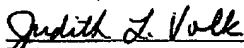
Wood, Herron & Evans, L.L.P.  
2700 Carew Tower  
441 Vine Street  
Cincinnati, Ohio 45202  
Telephone: (513) 241-2324  
Facsimile: (513) 241-6234

Respectfully submitted,

By: Douglas A. Scholer  
Reg. No. 52,197Date: 3/15/06

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein (2 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Kenneth Tang, Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 571-273-8300, on March 15, 2006.



Judith L. Volk

Date

Page 1 of 1  
Application No. 09/939,235  
Notice of Appeal  
IBM Docket ROC920010252US1  
WH&E IBM/209  
K:\bms\209\Notice of Appeal.wpd